

United States Courts  
Southern District of Texas  
FILED

*November 09, 2023*

Nathan Ochsner, Clerk of Court

**SENTENCE DATA SHEET**

**CRIMINAL NO.:** 4:22-cr-00468

**DEFENDANT:** TIFFANI SHEA GISH

**DEFENDANT'S  
IMMIGRATION  
STATUS:** U.S. Citizen

**GUILTY PLEA:** Count 1 of the indictment.

**SUBSTANCE  
OF PLEA  
AGREEMENT:**

1. Plea guilty to Count One.
2. Dismiss the remaining counts at sentencing.
3. If the Court determines that Defendant qualifies for an adjustment under U.S.S.G. § 3E1.1(a), and the offense level prior to operation of § 3E1.1(a) is 16 or greater, the United States will move under § 3E1.1(b) for an additional one-level reduction because Defendant timely notified authorities of his or her intent to plead guilty, thereby permitting the United States to avoid preparing for trial and permitting the United States and the Court to allocate their resources more efficiently.
4. Waive the right to appeal pursuant to paragraphs five, six, and seven of the plea agreement.

**COUNT ONE:** **Interstate Communications with a Threat to Kidnap or Injure**

18 USC 875(c)

**ELEMENTS:**

1. The Defendant knowingly sent a message in interstate commerce;
2. Containing a true threat to injure the person of another;
3. That when the defendant made the threat, she acted recklessly as to the threatening nature of her statement.

(A statement is made recklessly when the speaker is aware of a substantial risk that others could regard her statement as threatening violence and delivers anyway. *See Counterman v. Colorado*, 600 U.S. 66, 123 S.Ct. 2106, (2023))

**PENALTY:** Imprisonment for up to **5 years** and a fine of up to **\$250,000**.

**SUPERVISED  
RELEASE:** Not more than **3 year**.

**ALTERNATIVE  
FINE BASED ON  
GAIN OR LOSS:** Not Applicable

**SENTENCING  
GUIDELINES:** USSG § 2A6.1.

**FORFEITURE:** N/A

**SPECIAL  
ASSESSMENT:** \$100

Dated: November 8, 2023

By: /s/ Steven Schammel  
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